

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 24

Introduced by Assembly Member Negrete McLeod

December 2, 2002

An act to add Section 2079.7a to the Civil Code, ~~and to amend Sections 1799.204 and 1799.207 of the Health and Code, and to add Section 115929 to the Health and Safety Code~~, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 24, as amended, Negrete McLeod. Swimming pools and spas: child drowning hazards: *informative brochure*.

The Swimming Pool Safety Act establishes certain safety standards requiring swimming pool enclosures, safety pool covers, or exit alarms, as defined, or certain other means of protection, and requires each swimming pool for which a construction permit is issued on or after January 1, 1998, and that is located at a private, single-family home to meet at least one of these safety standards.

This bill would encourage a private entity, in consultation with the Epidemiology and Prevention for Injury Control Branch within the State Department of Health Services, to produce an informative brochure or booklet, for consumer use, explaining the child drowning hazards of, possible safety measures for, and appropriate drowning hazard prevention measures for, home swimming pools and spas, and to donate the document to the department.

The bill would require the department to review and approve the document, and post the document on its Web site in a format that is readily available for downloading and for publication.

~~Existing law creates an Emergency Medical Services Authority in the California Health and Human Services Agency. It requires the authority to, among other things, provide technical assistance to agencies, counties, and cities for developing components of emergency medical services systems.~~

~~Existing law establishes within the authority the Emergency Medical Services for Children (EMSC) Program, contingent upon available funding. Existing law requires the authority to implement the EMSC Program, as specified, and authorizes local emergency medical service agencies to develop an EMSC Program and to integrate an EMSC Program component, as specified, into their emergency medical services plan.~~

~~Existing law authorizes the authority to solicit and accept grant funding from public and private sources to supplement state funds.~~

~~This bill would require the authority, in order to implement the EMSC Program, and upon receipt of funds, to produce an informative brochure or booklet, for consumer use, explaining the child drowning hazards of, possible safety measures for, and appropriate drowning hazard prevention measures for, home swimming pools and spas. This bill would authorize the authority to solicit and accept grant funding from public or private sources for this purpose.~~

~~Existing law imposes on licensed real estate brokers or salespersons a duty to prospective purchasers of residential real property comprising one to 4 dwelling units, or manufactured homes, as defined, to conduct a reasonably competent and diligent visual inspection of the property offered for sale and to disclose to prospective purchasers all facts materially affecting the value or desirability of the property that an investigation would reveal, in specified situations.~~

~~This bill would provide that if an informative brochure or booklet described above is delivered to a transferee in connection with the transfer of real property or manufactured housing, as specified, a seller or broker is not required to provide additional information concerning child drowning hazards of, possible safety measures for, and appropriate drowning hazard prevention measures for, home swimming pools and spas.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~



The people of the State of California do enact as follows:

SECTION 1. Section 2079.7a is added to the Civil Code, to read:

2079.7a. (a) If an informative brochure or booklet described in paragraph (8) of subdivision (c) of Section 1799.204 of the in Section 115929 of the Health and Safety Code is delivered to a transferee in connection with the transfer of real property, including property specified in Section 1102, or manufactured housing, as defined in Section 18007 of the Health and Safety Code, a seller or broker is not required to provide additional information concerning swimming pool or spa safety measures, swimming pool drowning hazards, or appropriate swimming pool or spa drowning hazard prevention measures, as described in the brochure or booklet, and the information shall be deemed to be adequate to inform the transferee regarding those matters.

(b) Notwithstanding subdivision (a), nothing in this section either increases or decreases the duties, if any, of a seller or broker, including, but not limited to, the duties of a seller or broker under this article or Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2, or alters the duty of a seller or broker to disclose the existence of known defects in or affecting the real property.

~~SEC. 2. Section 1799.204 of the Health and Safety Code is~~
SEC. 2. Section 115929 is added to the Health and Safety Code, to read:

115929. (a) The Legislature encourages a private entity, in consultation with the Epidemiology and Prevention for Injury Control Branch of the department, to produce an informative brochure or booklet, for consumer use, explaining the child drowning hazards of, possible safety measures for, and appropriate drowning hazard prevention measures for, home swimming pools and spas, and to donate the document to the department.

(b) The Legislature encourages the private entity to use existing documents from the United States Consumer Product Safety Commission on pool safety.

(c) If a private entity produces the document described in subdivisions (a) and (b) and donates it to the department, the department shall review and approve the brochure or booklet.

(d) Upon approval of the document by the department, the document shall become the property of the state and a part of the public domain. The department shall place the document on its Web site in a format that is readily available for downloading and for publication.

~~amended to read:~~

~~1799.204. (a) For purposes of this chapter, the following definitions apply:~~

~~(1) "EMSC Program" means the Emergency Medical Services For Children Program administered by the authority.~~

~~(2) "Technical advisory committee" means a multidisciplinary committee with pediatric emergency medical services, pediatric critical care, or other related expertise.~~

~~(3) "EMSC component" means the part of the local agency's EMS plan that outlines the training, transportation, basic and advanced life support care requirements, and emergency department and hospital pediatric capabilities within a local jurisdiction.~~

~~(b) Contingent upon available funding, an Emergency Medical Services For Children Program is hereby established within the authority.~~

~~(c) The authority shall do the following to implement the EMSC Program:~~

~~(1) Employ or contract with professional, technical, research, and clerical staff as necessary to implement this chapter.~~

~~(2) Provide advice and technical assistance to local EMS agencies on the integration of an EMSC Program into their EMS system.~~

~~(3) Oversee implementation of the EMSC Program by local EMS agencies.~~

~~(4) Establish an EMSC technical advisory committee.~~

~~(5) Facilitate cooperative interstate relationships to provide appropriate care for pediatric patients who must cross state borders to receive emergency and critical care services.~~

~~(6) Work cooperatively and in a coordinated manner with the State Department of Health Services and other public and private agencies in the development of standards and policies for the delivery of emergency and critical care services to children.~~

~~(7) On or before March 1, 2000, produce a report for the Legislature describing any progress on implementation of this~~

1 chapter. The report shall contain, but not be limited to, a
2 description of the status of emergency medical services for
3 children at both the state and local levels, the recommendation for
4 training, protocols, and special medical equipment for emergency
5 services for children, an estimate of the costs and benefits of the
6 services and programs authorized by this chapter, and a calculation
7 of the number of children served by the EMSC system.

8 (8) Upon receipt of funds solicited pursuant to subdivision (b)
9 of Section 1799.207, produce an informative brochure or booklet,
10 for consumer use, explaining the child drowning hazards of,
11 possible safety measures for, and appropriate drowning hazard
12 prevention measures for, home swimming pools and spas. The
13 authority shall place the document in the public domain, and shall
14 make available to the public, at the authority's cost, a
15 camera-ready copy of the document. The document shall be
16 drafted in such a way as to facilitate its inclusion in real estate
17 transactional documents and in documents related to retail sales of
18 home pools and spas.

19 SEC. 3. Section 1799.207 of the Health and Safety Code is
20 amended to read:

21 1799.207. (a) The authority may solicit and accept grant
22 funding from public and private sources to supplement state funds.

23 (b) The authority may also solicit and accept grant funding
24 from public or private sources for the specific purpose of
25 implementing paragraph (8) of subdivision (c) of Section
26 1799.204.